

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-44664 of 2019(O&M)
Date of Decision: December 09, 2019**

Manjit Singh		...Petitioner
	Versus	
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Varlin Garg, Advocate for the petitioner.

Mr.Tanvir Joshi, AAG, Punjab.

Mr.Param Preet Singh Brar, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.139 dated 12.08.2019 under Sections 307 IPC and Section 25 of the Arms Act, Police Station City Kotkpura, District Faridkot.

The FIR was registered on the statement of Phool Chand stating that at about 10.00 AM he came to know that some person was quarrelling with his brother Mahavir. When he reached at the shop of his brother Mahavir, he saw one person standing. The complainant knew him, but had forgotten his name. He enquired from that person as to what had happened. That man stated that he wanted to kill the brother of the complainant. The complainant's brother was lying in the shop. The person also grappled with the complainant because of which the complainant fell down. As he fell on the ground, the person attacked him with a sword, four times on the left side of his back and two times on the right side of the back. He also attacked the complainant on his left bicep. When the complainant and his brother

shouted for help, the person fled away. He, however, left behind his motorcycle bearing No.PB-03T-1083 make Royal Enfield Bullet, at the site.

Ld. Counsel for the petitioner states that he has been falsely implicated in the FIR just to extort money. He states that, in fact, Kulwinder Kaur wife of the petitioner was earlier married to Mahavir. That marriage was got dissolved by a decree with mutual consent vide order dated 08.08.2016 passed by learned District Judge, Family Court, Faridkot. Thereafter, Kulwinder Kaur and Mahavir again re-married on 25.12.2016. But again, they filed a petition for mutual divorce under Section 13-B of the Hindu Marriage Act on 16.03.2018. Both the them also got recorded their first motion statements. However, at the time of second motion statement, Mahavir did not agree and he demanded more money. As the marriage between Kulwinder Kaur and Mahavir had collapsed, the petitioner solemnized marriage with Kulwinder Kaur. Mahavir started blackmailing the petitioner to extract money from him. Thereafter, the petitioner resolved the matter with Mahavir. It was agreed that the petitioner would pay Rs.65,000/- to Mahavir and then Mahavir would give statement in court to finalise the course of mutual divorce.

Mahavir called the petitioner to his shop. The petitioner went there along with Rs.65,000/- to be paid to Mahavir. On reaching the shop, the petitioner handed over the said amount to brother of Mahavir. There were 2/3 more persons sitting on the shop, who demanded more money, which led to quarrel with the petitioner. Mahavir and Phool Chand attacked the petitioner with a rod on his head. They gave another blow of rod on his

cheek. Mahavir caused injury with some sharp edged weapon on the first finger of the right hand of the petitioner. The petitioner managed to free himself and somehow reached the Civil Hospital.

It is thereby stated that the complainant Phool Chand and Mahavir are the aggressors and the petitioner has falsely been implicated in the case.

Ld. Counsel for the complainant has referred to the injuries suffered by Mahavir at Annexure P-6 and injuries suffered by complainant Phool Chand at Annexure P-7. There are as many as six injuries suffered by Mahavir and eight injuries suffered by Phool Chand. All the six injuries suffered by Mahavir are incised wounds. So also, the eight injuries suffered by Phool Chand are incised wounds. There is no explanation by the petitioner that if he was empty handed, how incised wounds were suffered by Mahavir and Phool Chand.

Considering the nature of the injuries suffered by the complainant side, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

December 09, 2019

**(HARINDER SINGH SIDHU)
JUDGE**

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No